IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Contempt Petition No. 188 of 2006

Km. Mamta Bora
D/o Sri Diwan Singh Bora
R/o Chauk-Bazaar,
Khetikhan, Post Khetikhan,
District Champawat.

…….. Petitioner

versus

1. Mr,. S.K. Maheshwari,
   Director of Secondary Education,
   Uttaranchal, Dehradun.
2. Mr. D.S. Rautela,
   Joint Director of Education,
   Kumaon Division, Nainital.

……. Respondents

Mr. Arun Kumar Verma, Advocate holding brief of Mr. C.D. Bahuguna, learned counsel for the petitioner.
Mr. Subhash Upadhyaya, Brief Holder for the State.

Hon'ble P.C. Pant, J.

Heard learned counsel for the parties.

2. This Contempt Petition has been filed by the petitioner complaining disobedience of this Court's order dated 21.04.2006, passed in Writ Petition No. 1267 (S/S) of 2004, whereby following direction were issued by the Court:

> ***"Since selection on the post of teachers has already taken place by now, pursuant to the impugned advertisement, this court does not prefer to quash the entire selection of teachers and prefers to pass an appropriate order for***

safeguarding the interest of the petitioner and, therefore, I decline to interfere so far as prayer No. 1 is concerned.

However, a writ in the nature of Mandamus is issued commanding the respondents to consider the candidature of the petitioner and pass an appropriate order for selection / appointment of the petitioner as an L.T. grade teacher in Biology subject an any vacant seat within a period of one month after obtaining certified copy of this order."

3) The respondent No. 2 in response to the notice issued by this Court had filed an affidavit enclosing the copy of the order dated 22.05.2006, passed in compliance of the aforesaid order. The last paragraph of the order passed by the respondent No. 2, in compliance of above order, reads as under:

"सेवा नियमावली में पुरूष एवं महिला शाखायें अलग अलग संवर्ग निर्धारित होने के कारण केवल पुरूषो को ही बालक विद्यालयों में और महिलाओ को बालिका विद्यालयों में नियुक्तिया दी गई है / दी जाती हैं। इस प्रकार कु0 ममता बोरा को नियुक्ति उनके कम गुणांक होने से नही दी जा सकती, क्योकि उनके प्रत्यावेदन 8 मई 2006 में उनके द्वारा मांग की गई है कि माननीय न्यायालय द्वारा पारित आदेश दिनांक 21 अप्रैल 2006 द्वारा उन्हे राजकीय कन्या इण्टर कालेज खेतीखान (चम्पावत) व अन्य में नियुक्ति प्रदान की जाय। कु0 ममता बोरा द्वारा केवल बालिका विद्यालय में नियुक्ति चाही है। उनके गुणांक कम होने से उन्हे नियुक्ति देना सम्भव नहीं है। अतः प्रत्यावेदन अस्वीकार करते हुए निस्तारित किया जाता है।"

4) In view of the Annexure C.A.–1 to the counter affidavit, whereby the representation of the petitioner has been disposed of by the concerned authority in compliance of the Court's order dated 21.04.2006, it cannot be said if the respondents have committed any wilful disobedience of the order dated 21.04.2006. Therefore, the contempt petition is liable to be dismissed. The same is dismissed. The notices issued against the respondents are discharged.

(Urgency Application No. 10336 of 2006 also stands disposed of).

(Prafulla C. Pant, J.)

Dt.: 21st August, 2006
H. Negi